

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JAMES FOX, Individually, and on
Behalf of the Class,

Plaintiff,

v.

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY, a Virginia
Corporation; and DOES 1-10,
Inclusive,

Defendants.

No. 2:24-cv-01001 WBS CKD

ORDER RE: MOTION TO STAY

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At oral argument on defendant Genworth Life and Annuity Insurance Company's motion to stay, counsel represented that in Small v. Allianz Life Ins. Co. of North America, No. 23-80050 (9th Cir. Oct. 21, 2024), the Ninth Circuit will be called upon to decide one of the controlling issues in this case, namely, whether class members in an action for cancellation of a term life insurance policy without sufficient notice may recover under California Insurance Code §§ 10113.71 and 10113.72 regardless of

1 whether they incurred any loss or damages due to defendant's
2 conduct. Plaintiff contends that the putative class members may
3 do so, and defendant disagrees.

4 Counsel also represent that the Small appeal has been
5 fully briefed and is scheduled for oral argument in six days from
6 today's date.

7 IT IS THEREFORE ORDERED that defendant's motion to stay
8 (Docket No. 18) be, and the same hereby is, GRANTED, and all
9 proceedings in this case are hereby stayed pending resolution by
10 the Ninth Circuit of the appeal in Small.

11 As soon as the Ninth Circuit has handed down its final
12 decision in Small, Counsel shall inform this court and make
13 arrangements for the lifting of this stay.

14 Dated: October 15, 2024



15 **WILLIAM B. SHUBB**
16 **UNITED STATES DISTRICT JUDGE**
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